

REMARKS

Claims 1, 2, 4-6, 15, 16, 18, 19, 21-25, 27, 29-34, 36, 37, 39-42 are pending in the present application. Claims 1, 2, 4, 5, 6, 15, 16, 18, 19, 21, 22 and 39-42 are amended. Claims 3, 7-14, 17, 20, 26, 28, 35, and 38 are cancelled. Claims 1, 5, 15, 16, 18, 19, 21, and 22 are the independent claims. New Claim 43 has been added.

Interview Summary

The Applicant appreciates the time and consideration given by the Examiner during the telephone interview on January 26, 2010. During the interview, Applicant's representative explained that the current claims distinguish over Kato et al. (U.S. Patent Application No. 2002/0145702) and the Examiner agreed to withdraw all of the prior art rejections based, in whole or in part, on the Kato reference.

Claim Rejections - 35 U.S.C. § 101

Claims 1-2, 4-6 and 39-42 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In response, Applicant has amended to claims from "computer readable recording medium" to "recording medium". Since the "recording medium" is recited as storing a data structure, Applicant submits that the rejected are in compliance with Section 101 and define statutory subject matter. Reconsideration of these rejections as they may apply to the amended claims and newly added Claim 43 is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 4-6, 15, 16, 18, 19, 21-25, 27, 29-34 and 36-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kato et al. (U.S. Patent Application No. 2002/0145702). In view of the Examiner's agreement that the cited claims are distinguishable over the Kato reference, these rejections are now moot.

Claim Rejections – 35 U.S.C. § 103

Claims 30-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato et al. as applied to Claim 1 above, and further in view of Fleming, III et al. (U.S. Patent No. 6,973,461). In view of the Examiner's agreement that the cited claims are distinguishable over the Kato reference, these rejections are now moot.

New Claim 43

New Claim 43 is allowable over the art of record for at least the reasons set forth above with regard to Claims 1 and 4, from which it directly or indirectly depends.

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CONCLUSION

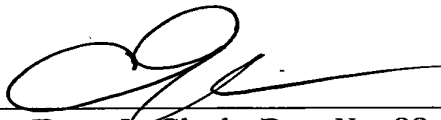
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each pending claim in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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